

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BILLY DRIVER, JR,

Plaintiff,

v.

KIMBERLY J. MUELLER, et al.,

Defendants.

No. 2:23-cv-01233-DAD-KJN (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION DUE TO PLAINTIFF'S FAILURE
TO PROSECUTE AND FAILURE TO
COMPLY WITH A COURT ORDER

(Doc. No. 15)

Plaintiff Billy Driver, Jr. is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 19, 2023, the court denied plaintiff's motion to proceed *in forma pauperis* and ordered plaintiff to pay the required filing fee in order to proceed with this action. (Doc. No. 14.) The court provided plaintiff with thirty days to comply with that order and warned plaintiff that failure to pay the filing fee within the specified time would result in dismissal of this action. (*Id.*) Plaintiff has not paid the required filing fee to proceed with this action, and the deadline in which to do so has passed.

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1 Accordingly, on November 28, 2023, the assigned magistrate judge issued findings and
2 recommendations recommending that this action be dismissed, without prejudice, due to
3 plaintiff's failure to comply with the court's order and failure to prosecute this action. (Doc. No.
4 15.) The findings and recommendations were served upon plaintiff and contained notice that any
5 objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 1.) To date, no
6 objections have been filed, and the time in which to do so has now passed.

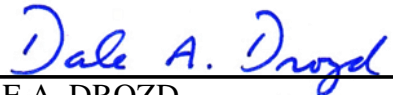
7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
8 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
9 pending findings and recommendations are supported by the record and proper analysis.

10 Accordingly,

- 11 1. The findings and recommendations issued on November 28, 2023 (Doc. No. 15)
12 are adopted in full;
- 13 2. This action is dismissed, without prejudice, due to plaintiff's failure to comply
14 with a court order and failure to prosecute; and
- 15 3. The Clerk of the Court is directed to close this case.

16 IT IS SO ORDERED.

17 Dated: January 17, 2024

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19 DALE A. DROZD
20 UNITED STATES DISTRICT JUDGE
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